

**United States Department of Labor  
Employees' Compensation Appeals Board**

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<b>L.B., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 21-0669</b>
	)	<b>Issued: March 3, 2023</b>
<b>DEPARTMENT OF VETERANS AFFAIRS,</b>	)	
<b>JESSE BROWN VA MEDICAL CENTER,</b>	)	
<b>Chicago, IL, Employer</b>	)	
_____	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:

ALEC J. KOROMILAS, Chief Judge  
JANICE B. ASKIN, Judge  
JAMES D. MCGINLEY, Alternate Judge

On March 9, 2021 appellant filed a timely appeal from an October 19, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 21-0669.

On August 20, 2019 appellant, then a 60-year-old medical clerk, filed a traumatic injury claim (Form CA-1) alleging that on August 12, 2019 she reinjured her back and shoulder and sustained an emotional condition when she jumped under her desk to hide from a gunman with a rifle who had entered the employing establishment shouting while in the performance of duty. She explained that she was sitting at her desk near an entrance when the gunman appeared. Appellant stopped work on August 13, 2019 and returned to work on August 14, 2019. OWCP assigned the claim OWCP File No. xxxxxx965.<sup>1</sup>

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<sup>1</sup> The record reflects that appellant had previously filed a Form CA-1, under OWCP File No. xxxxxx287, alleging that on April 30, 2014 she sustained injuries to her right knee, arm, and shoulder when computer cords wrapped around her foot as she tried to get up from her desk. By decision dated July 9, 2014, OWCP accepted the claim for right ankle sprain. Acceptance of that claim was later expanded to include the additional conditions of right shoulder strain, right lumbago, right wrist sprain, right Achilles tendinitis, right shoulder sprain, right upper arm sprain, a adhesive capsulitis of the right shoulder, and right trigger finger.

By decision dated October 7, 2019, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish that the diagnosed medical conditions were causally related to the accepted August 12, 2019 employment incident.

In a form dated and postmarked November 2, 2019, appellant requested review of the written record by a representative of OWCP's Branch of Hearings and Review. She subsequently submitted additional evidence in support of her request.

By decision dated January 22, 2020, OWCP's hearing representative set aside the October 7, 2019 decision and remanded the case for additional development of the factual evidence. The hearing representative also referenced appellant's previously accepted claim in OWCP File No. xxxxxx287.

After further development of the additional factual and medical evidence, OWCP issued a May 7, 2020 decision denying appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between her diagnosed medical conditions and the accepted August 12, 2019 employment incident.

In a form dated June 2, 2020 and received by OWCP on June 23, 2020, appellant requested review of the written record before an OWCP hearing representative. She subsequently submitted additional medical evidence.

By decision dated October 19, 2020, OWCP's hearing representative denied modification of OWCP's May 7, 2020 decision.

The Board has duly considered the matter and finds that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.<sup>2</sup> For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>3</sup> As the present case under OWCP File No. xxxxxx965 and the prior claim under OWCP File No. xxxxxx287 involve injuries to appellant's back and shoulder, these claims must be administratively combined for a full and fair adjudication.<sup>4</sup> This will allow OWCP to consider all relevant claim files and accompanying evidence in developing appellant's current traumatic injury claim.<sup>5</sup>

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<sup>2</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>3</sup> *Id.*; *L.G.*, Docket No. 18-1676 (issued August 22, 2019); *D.L.*, Docket No. 17-1588 (issued January 28, 2019).

<sup>4</sup> *See C.Y.*, Docket No. 20-1079 (issued December 7, 2020); *L.G.*, *id.*; *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

<sup>5</sup> *See e.g., G.R.*, *Order Remanding Case*, Docket No. 21-0338 (issued June 29, 2021); *M.L.*, *Order Remanding Case*, Docket No. 20-1176 (issued April 29, 2021).

Accordingly, the Board will remand the case to OWCP to administratively combine OWCP File Nos. xxxxxx965 and xxxxxx287. Following this and other such further development as it deems necessary, OWCP shall issue a *de novo* decision.<sup>6</sup>

**IT IS HEREBY ORDERED THAT** the October 19, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: March 3, 2023  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>6</sup> See *T.L.*, Docket No. 18-0935 (issued February 25, 2020); *T.M.*, Docket No. 18-0887 (issued February 21, 2019).